

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FRANK M. PECK,

4 Plaintiff

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

Case No.: 2:18-cv-00237-APG-VCF

**Order Denying Motions for Temporary
Restraining Order and Preliminary
Injunction**

[ECF Nos. 161, 162]

8 Plaintiff Frank Peck moves to require the Nevada Department of Corrections to “stop the
9 use of masks that protect the wearer and no one else.” ECF No. 161 at 3. Preliminary injunctive
10 relief is appropriate where “the intermediate relief [is] of the same character as that which may
11 be granted finally.” *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). But a
12 court cannot issue an injunction that “deals with a matter lying wholly outside the issues in the
13 suit.” *Id.* Peck’s requested relief is wholly outside the issues in this lawsuit.

14 I THEREFORE ORDER that plaintiff Frank Peck’s motions for preliminary injunction
15 and restraining order (**ECF Nos. 161, 162**) are **DENIED**.

16 DATED this 5th day of February, 2021.

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18 ANDREW P. GORDON
19 UNITED STATES DISTRICT JUDGE
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